

Attorney's Docket No.: 3250C4-331003  
Client's Ref. No.: 3250C4

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SEP 03 2004

Applicant : Andreas Norbert Wiswesser et al. Art Unit : 3723  
Serial No. : 10/722,716 Examiner : Shantese McDonald  
Filed : November 25, 2003

Title : Method and Apparatus for Detecting an End-Point in Chemical Mechanical Polishing of Metal Layers

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Reply to the Action of May 5, 2004, faxed this 3<sup>rd</sup> day of September, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: September 3, 2004

  
\_\_\_\_\_  
David J. Goren  
Reg. No. 34,609

Telephone: (650) 839-5070  
Fax: (650) 839-5071

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Attorney's Docket No.: 05542-331003 / 3250C4

## BBB BIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Norbert Wiswesser et al. Art Unit : 3723  
 Serial No. : 10/722,716 Examiner : Shantese McDonald  
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 Title : METHOD AND APPARATUS FOR DETECTING AN END-POINT IN  
 CHEMICAL MECHANICAL POLISHING OF METAL LAYERS

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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SER 53

REPLY TO ACTION OF MAY 5, 2004

In reply to the Office Action of May 5, 2004, Applicant submits the following remarks.

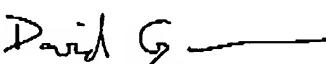
Claims 21-25 stand rejected for statutory double patenting under 35 USC 101 over claims 13-14 and 16-18 of U.S. Patent No. 6,503,766.

The present application and U.S. Patent No. 6,503,766 do not have common assignees or common inventors. Applicant respectfully notes that in this situation, statutory double patenting is improper. See MPEP 804(I)(A) and Chart II-A.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/3/04

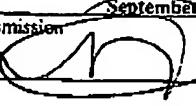
  
 David J. Goren  
 Reg. No. 34,609

Telephone: (650) 839-5070  
 Facsimile: (650) 839-5071

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